



**IT IS ORDERED**

**Date Entered on Docket: April 15, 2013**

**The Honorable Robert H Jacobvitz  
United States Bankruptcy Judge**

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEW MEXICO

In re:

Diana L. Gomez, 4787

Case No. 12-13594-j7

Debtor.

**DEFAULT ORDER GRANTING BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO  
BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP  
ABANDONMENT OF PROPERTY LOCATED AT 5171 ARENA DRIVE, LAS CRUCES, NM  
88012**

This matter came before the Court on the Amended Motion for Abandonment of Property located at 5171 Arena Drive, Las Cruces, NM 88012, filed on February 11, 2013, Docket No. 22 (the "Motion") by Bank of America, N.A., Successor by Merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP ("Movant"). The Court, having reviewed the record and the Motion, and being otherwise sufficiently informed, FINDS:

(a) On February 11, 2013, Movant served the Amended Motion and a notice of the Amended Motion (the "Notice") on counsel of record for the Debtor(s) and the case trustee (the "Trustee") by use of the Court's case management and electronic filing system for the transmission of notices, as authorized by Fed.R.Civ.P. 5(b)(3) and NM LBR 9036-1, and on the Debtor(s) by

United States first class mail, in accordance with Bankruptcy Rules 7004 and 9014.

(b) The Motion relates to the following property:

LOT 21, BLOCK 26, LAS COLINAS PLANNED UNIT DEVELOPMENT, PHASE V1-C SUBDIVISION, IN THE COUNTY OF DONA ANA, STATE OF NEW MEXICO, AS SHOWN AND DESIGNATED ON THE PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY AS PLAT NO. 3686 ON DECEMBER 19, 2002 IN BOOK 20 PAGE (S) 204-206 OF PLAT RECORDS

(the "Property").

(c) The Notice specified an objection deadline of 14 days from the date of service of the Notice, to which three days was added under Bankruptcy Rule 9006(f);

(d) The Notice was sufficient in form and content;

(e) The objection deadline expired on February 28, 2013;

(f) As of April 10, 2013, neither the Debtor nor the Trustee, nor any other party in interest, filed an objection to the Motion;

(g) The Motion is well taken and should be granted as provided herein; and

(h) By submitting this Order to the Court for entry, the undersigned counsel for Movant certifies, under penalty of perjury that, on April 10, 2013 Robin L. Hill, Bankruptcy Legal Assistant searched the data banks of the Department of Defense Manpower Data Center ("DMDC"), and found that the DMDC does not possess any information indicating that the Debtor is currently on active military duty of the United States.

IT IS THEREFORE ORDERED:

1. Pursuant to 11 U.S.C. §554(b) as of the date of the entry of this Order, the Property is deemed abandoned and therefore no longer is property of the estate. As a result, Movant need not name the Trustee as a defendant in any state court action it may pursue to foreclosure liens against the Property and need not notify the Trustee of any sale of the Property.

2. This Order shall continue in full force and effect if this case is dismissed or converted to a case under another chapter of the Bankruptcy Code.

XXX END OF ORDER XXX

Submitted by:

SUSAN C. LITTLE & ASSOCIATES, LTD.

By: /S/Electronically submitted/ 4.10.13

Karen H. Bradley  
Attorney for Creditor  
1700 Louisiana Blvd NE, Ste 300  
Albuquerque, New Mexico 87110  
Ph: (505) 248-2432 Fax: (505) 254-4722

Copies to:

Kenneth G. Egan  
Attorney for Debtor(s)  
1111 E. Lohman  
Las Cruces, NM 88001-3268

Clarke C. Coll  
Trustee  
P.O. Box 2288  
Roswell, NM 88202-2288

Diana L. Gomez  
Debtor  
5171 Arena Dr.  
Las Cruces, NM 88012